

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAISHON DARRELL BANKS,

Plaintiff,

- against -

CORRECTION OFFICER MOSLEY and  
WESTCHESTER COUNTY DEPARTMENT OF  
CORRECTION,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/28/09

06 Civ. 4975 (DAB) (MHD)  
ADOPTION OF REPORTS  
AND RECOMMENDATIONS

This matter is before the Court upon a Report and Recommendation of United States Magistrate Judge Michael H. Dolinger, which was filed March 26, 2009. The Report recommends that the motion to dismiss filed by Defendants Correction Officer Mosley and the Westchester County Department of Correction be GRANTED because of Plaintiff's failure to comply with the exhaustion requirement of 42 U.S.C. § 1997e(a). ( Report at 10).

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised

accordingly in Judge Dolinger's Report and Recommendation, to date, no objections to the Report have been filed.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

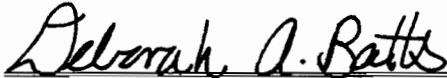
1. The Report and Recommendation, Docket Entry No. 11, of United States Magistrate Judge Michael H. Dolinger, dated March 26, 2009, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Defendants' motion to dismiss is GRANTED and Plaintiff's claims shall be DISMISSED;

3. The Clerk of the Court is directed to close the docket in this matter.

SO ORDERED.

DATED: New York, New York  
April 28, 2009

  
Deborah A. Batts  
United States District Judge